IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Bail Appl..No. 599 of 2007()

CMP.42/2006 of J.M.F.C.-II, SULTHANBATHERY

.....

PETITIONER/ACCUSED

VARGHESE, S/O. ULAHANNAN,
MOLATH HOUSE, NEERVARAM, PANAMARAM AMSOM,
SULTHAN BATHERY.

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, PULAPPALY POLICE STATION-
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 599 of 2007

DATED: 5th February 2007

O R D E R

Petitioner who is the accused in Crime No. 2 of 2007 of Pulpally Police Station for an offence punishable under Sec. 55 (a) of the Abkari Act for allegedly having been found in possession of 99 packets (9.90) litres each containing 100 ml. of Karnataka made arrack on 1-1-2007 in a K.S.R.T.C. bus and who was arrested on 7-1-2007 , seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the petitioner is an accused in another case involving the very same abkari offence besides a case involving an offence punishable under Sec. 498 A.

3. Anticipatory bail cannot be granted in a case involving such grave offence. Moreover, I am not satisfied that both the grounds enumerated under sec.41A (b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed.

With the above observation this Application is dismissed.

V.RAMKUMAR, JUDGE.

ani